United Nations Convention on the Law of the Sea CLCS/95

# Commission on the Limits of the Continental Shelf

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**Forty-first session**
New York, 11 July-26 August 2016

## Progress of work in the Commission on the Limits of the Continental Shelf

### Statement by the Chair

*Summary*

The present statement provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during its forty-first session. In particular, it contains an overview of the progress made in the consideration of the submissions made by the Russian Federation, in respect of the Arctic Ocean (partial revised submission); Brazil, in respect of the Brazilian Southern Region (partial revised submission); Uruguay; the Cook Islands, in respect of the Manihiki Plateau; Norway, in respect of Bouvetoya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; the Federated States of Micronesia, Papua New Guinea and Solomon Islands, jointly, concerning the Ontong Java Plateau; France and South Africa, jointly, in the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Mauritius, in the region of Rodrigues Island; Nigeria; and Seychelles, in respect of the Northern Plateau Region. The statement also contains information about newly established subcommissions and about presentations to the Commission of new or amended submissions made by Côte d'Ivoire; Denmark regarding three of its partial submissions, in respect of the southern continental shelf of Greenland, the north-eastern continental shelf of Greenland and the northern continental shelf of Greenland; France, in respect of Saint Pierre and Miquelon; and Somalia. In addition, it provides information about other issues dealt with by the Commission during the session.

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1. Pursuant to the decision adopted at its thirty-eighth session (see CLCS/90, para. 100), as endorsed by the General Assembly in its resolution 70/235 (para. 94), the Commission on the Limits of the Continental Shelf held its forty-first session at United Nations Headquarters from 11 July to 26 August 2016. The plenary parts of the session were held from 18 to 22 July and from 15 to 19 August. The other parts of the session were used for the technical examination of submissions at the geographic information systems laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Muhammad Arshad, Lawrence Folajimi Awosika, Galo Carrera, Francis L. Charles, Ivan F. Glumov, Richard Thomas Haworth, Martin Vang Heinesen, Emmanuel Kalngui, Wenzheng Lyu, Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong-Ahn Park, Carlos Marcelo Paterlini, Rasik Ravindra, Walter R. Roest, Tetsuro Urabe and Szymon Uścinowicz.[1]

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.41);

(b) Statement by the Chair on the progress of work in the Commission at its fortieth session (CLCS/93);

(c) Submissions made by coastal States[2] pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;

(d) General Assembly resolution 70/235, entitled "Oceans and the law of the sea";

(e) Relevant communications from States parties to the Convention and States Members of the United Nations, including Côte d'Ivoire (24 March, 8 April and 11 May 2016), Ghana (13 July 2016) and Mauritius (25 May 2016).

## Item 1
## Opening of the forty-first session

4. The Chair of the Commission, Mr. Awosika, opened the plenary meeting of the forty-first session of the Commission.

5. The Commission observed a minute of silence in remembrance of the victims of recent terrorist attacks around the world.

### Statement by the Under-Secretary-General for Legal Affairs

6. The Under-Secretary-General for Legal Affairs and Legal Counsel made a statement. In particular, he noted the efforts of the Meeting of States Parties to the United Nations Convention on the Law of the Sea and of the Secretariat to fill the existing vacancy in the Commission, expressing regret for the lack of nominations

[1] Mr. Glumov attended the session from 18 July to 23 August, Owing to family reasons.
Mr. Njuguna attended the session from 18 July to 26 August.

[2] For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

that had occurred in connection with the elections that had been scheduled to be held at both the resumed twenty-fifth and twenty-sixth Meetings of States Parties. He drew the attention of the Commission to the request of the Meeting of States Parties concerning its future working arrangements, including the preparation of a plan of work for 2017. Noting with appreciation the adoption of two recommendations at the fortieth session, he expressed the hope that the forty-first session would be equally productive. He also expressed the expectation that the Commission and its subcommissions would continue to be receptive to the requests of submitting States concerning meetings with the Commission and its subcommissions and the submission of updated materials, while recognizing that some of those requests might have an impact on the pace of work of the Commission, as the Chair of the Commission had emphasized at the twenty-sixth Meeting of States Parties.

## Item 2
## Adoption of the agenda

7. The Commission considered the provisional agenda (CLCS/L.41) and adopted it, with amendments (CLCS/94).[1]

## Item 3
## Organization of work

8. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

## Item 4
## Workload of the Commission

### Conditions of service of the members of the Commission

9. The Secretariat informed the Commission in detail about the upgrades to the working space of the Commission carried out pursuant to General Assembly resolution 70/235 (see CLCS/83, paras. 8-12, CLCS/85, paras. 9-13, CLCS/88, paras. 8-13, CLCS/90, paras. 8-11, and CLCS/93, para. 8). The Secretariat also provided an update on the work carried out with regard to medical insurance and other issues by the open-ended working group on the conditions of service of the Commission established by the Meeting of States Parties. In that regard, the Commission expressed its appreciation to the Office of Central Support Services and to the Division for their efforts, which had resulted in substantial improvement in the working space of the Commission.

10. The Commission was also informed that the twenty-sixth Meeting of States Parties had urged States parties that would nominate candidates for future elections

[1] In response to an invitation by the Chair to present their submissions to the Commission at its forty-first session, the following States indicated their preference to make presentations at a future session: the Bahamas, Canada and Sri Lanka, on the understanding that the deferrals would not affect the position of their submissions in the queue.

of members of the Commission to formally undertake to support their candidates in accordance with article 2, paragraph 5, of annex II to the Convention. Such an undertaking could be provided in the form of a note verbale that would accompany the nomination of a candidate to the Commission and would be brought to the attention of the Meeting of States Parties at the time of the election of the members of the Commission (see SPLOS/303, para. 79). In that regard, developing States could request financial assistance from the voluntary trust fund for the purpose of defraying the cost of the participation in its meetings of the members of the Commission from developing States, as needed.

## Item 5
## Consideration of the submission made by the Russian Federation, in respect of the Arctic Ocean[4]

### Report of the subcommission

11. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work at the forty-first session, noting that the subcommission had met from 8 to 12 August 2016. During that period, the subcommission had proceeded with the initial examination of the partial revised submission pursuant to section III of annex III to the rules of procedure of the Commission (see CLCS/40/Rev.1).

12. He stated that the subcommission had held three meetings with the delegation, headed by the Minister of Natural Resources and Environment of the Russian Federation, Sergei E. Donskoi, and subsequently by the Deputy Minister, Evgeny A. Kiselev, during which the delegation had made five presentations that provided an extensive overview of key aspects of the partial revised submission. The subcommission had made a standard presentation describing procedures and practices, followed by subcommissions in the examination of submissions (see CLCS/93, para. 83).

13. He also stated that the subcommission had verified the format and completeness of the partial revised submission. Three working groups had been established to facilitate the consideration of the submission, namely, on morphology, hydrography and geodesy; on geology and geophysics; and on drafting and quality control. In addition, the subcommission had conducted its preliminary analysis concluding, among other things, that the test of appurtenance had been satisfied and that the issue relating to whether appropriate combinations of the foot of the continental slope points and constraint lines had been used would be addressed in the context of the main scientific and technical examination of the submission.[5]

14. He added that the subcommission had concluded that it was not necessary to recommend seeking the advice of specialists at that stage, in accordance with rule 57 of the rules of procedure, or the cooperation with competent international organizations, in accordance with rule 56. The subcommission had also concluded that more time would be required to examine the data and prepare recommendations for transmittal to the Commission.

[4] Submission made on 3 August 2015; see www.un.org/depts/los/clcs_new/submissions_files/submission_rus_rev1.htm

[5] See section IV of annex III to the rules of procedure (CLCS/40/Rev.1).

15. The subcommission had transmitted a communication to the Russian Federation containing preliminary requests for clarification. It had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the forty-second session.

16. The Commission subsequently decided that the meetings of the subcommission during the forty-second session would be held from 21 November to 2 December 2016.

17. On 19 August 2016, the Commission began its deliberations on matters of an organizational nature raised in a communication dated 19 August 2016 from Mr. Donskoi addressed to the Chairs of the Commission and of the subcommission and to the members of the Commission. In view of the heavy workload, the Commission was not in a position to complete its consideration of those matters, which will be addressed during the meetings of the subcommission at the forty-second session and during the plenary part of the forty-third session.

## Item 6
## Consideration of the submission made by Brazil, in respect of the Brazilian Southern Region[1]

### Report of the subcommission

18. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work at the forty-first session, noting that the subcommission had met from 22 to 26 August 2016. During that period, the subcommission had continued the main technical and scientific examination of the submission and had sent a number of requests for clarification to the delegation.

19. The subcommission had decided to resume its consideration of the submission during the forty-second session. Owing to the classification by Brazil, pursuant to annex II to the rules of procedure, of parts II and III of the submission as confidential, the members of the subcommission would not be in a position to continue to examine the submission during the intersessional period.

20. The Commission subsequently decided that the meetings of the subcommission during the forty-second session would be held from 7 to 18 November 2016.

## Item 7
## Consideration of the submission made by Uruguay[2]

### Consideration of draft recommendations

21. The Commission resumed its consideration of the draft recommendations that had been presented to it by the subcommission at the fortieth session (see CLCS/93, paras. 13 to 16).

[1] Submission made on 10 April 2015, see www.un.org/Depts/los/clcs_new/submissions_files/submission_bra_rev.htm

[2] Submission made on 7 April 2009, see www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm

22. On 19 August 2016, following extensive deliberations, the Commission approved without a vote the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the Oriental Republic of Uruguay on 7 April 2009", with amendments.

23. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on 26 August 2016.

## Item 8
## Consideration of the submission made by the Cook Islands, in respect of the Manihiki Plateau[8]

### Consideration of draft recommendations

24. The Commission resumed its consideration of the draft recommendations that had been presented to it by the subcommission at the thirty-eighth session (see CLCS/90, paras. 31 to 34).

25. On 19 August 2016, following extensive deliberations, the Commission approved without a vote the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the Cook Islands in respect of the Manihiki Plateau on 16 April 2009", with amendments.

26. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on 26 August 2016.

## Item 9
## Consideration of the submission made by Norway, in respect of Bouvetøya and Dronning Maud Land[9]

### Report of the subcommission

27. The Chair of the subcommission, Mr. Haworth, reported on the progress of its work during the intersessional period and at the forty-first session, noting that the subcommission had met from 11 to 15 July and from 8 to 12 August 2016. Mr. Lyu acted as an expert to the members of the subcommission in the finalization of the recommendations (see para. 62 below).

28. During that period, the subcommission had continued the main scientific and technical examination of the submission[5] and had held three meetings with the delegation.

29. The subcommission had presented to the delegation, pursuant to paragraph 10.3 of annex III to the rules of procedure, its views and general conclusions arising from the examination of the submission. The delegation delivered its response in

[8] Submission made on 16 April 2009, see www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm.

[9] Submission made on 4 May 2009, see www.un.org/Depts/los/clcs_new/submissions_files/submission_nor_30_2009.htm.

accordance with paragraph 10.4 of annex III to the rules of procedure. The subcommission had then finalized its recommendations and approved them by a majority on 11 August 2016. The draft recommendations were transmitted to the Chair of the Commission on the same day.

**Consideration of draft recommendations**

30. On 15 August 2016, the subcommission introduced to the Commission the draft recommendations with regard to the submission made by Norway in respect of Bouvetøya and Dronning Maud Land on 4 May 2009, through a presentation delivered by the Chair of the subcommission, Mr. Haworth.

31. On 16 August 2016, the delegation of Norway participated in the proceedings of the Commission and made a presentation pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure. The presentation was made by the Director General of the Royal Norwegian Ministry of Foreign Affairs, Margit Tveiten. The delegation of Norway also included the Deputy Permanent Representative of Norway to the United Nations, May-Elin Stener, and a number of scientific, legal and technical advisers.

32. In its presentation, the delegation of Norway expressed its appreciation to the subcommission for its work. In addition to elaborating on scientific and technical matters relating to its submission, the delegation expressed its concurrence with the views and general conclusions of the subcommission arising from its examination of the submission. The delegation recalled that it had asked the Commission, in accordance with its rules of procedure, not to take any action for the time being with regard to the information in the submission that related to the continental shelf appurtenant to Dronning Maud Land (see CLCS/66, para. 40).

33. The Commission then continued its deliberations in private. Taking into account the presentations made by the delegation and by the subcommission, and in order to allow sufficient time for its members to consider the submission and the draft recommendations, the Commission decided, in accordance with rule 53, paragraph 1, of its rules of procedure, to defer further consideration of the draft recommendations to its forty-third session.

## Item 10
## Consideration of the submission made by South Africa, in respect of the mainland of the territory of the Republic of South Africa[10]

**Report of the subcommission**

34. The Chair of the subcommission, Mr. Haworth, reported on the progress of its work during the intersessional period and at the forty-first session, noting that the subcommission had met from 25 July to 5 August 2016.

35. During that period, the subcommission had continued the main scientific and technical examination of the submission[5] and had held six meetings with the delegation.

[10] Submission made on 5 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_zaf_31_2009.htm.

36. Pursuant to paragraph 10.3 of annex III to the rules of procedure, the subcommission had presented to the delegation its views and general conclusions arising from the examination of the submission. The delegation had delivered its response in accordance with paragraph 10.4 of annex III to the rules of procedure. The subcommission had then finalized its recommendations and had approved them on 4 August 2016. The draft recommendations were transmitted to the Chair of the Commission on 5 August 2016.

**Consideration of draft recommendations**

37. On 15 August 2016, the subcommission introduced to the Commission the draft recommendations with regard to the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa on 5 May 2009, through a presentation delivered by the Chair of the subcommission, Mr. Haworth.

38. On 19 August 2016, the delegation of South Africa participated in the proceedings of the Commission and made a presentation pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure. The presentation was made by the Permanent Representative of South Africa to the United Nations, Jerry Matjila, and by the technical adviser to the delegation, Alain Murphy. The delegation of South Africa also included an adviser.

39. In its presentation, the delegation of South Africa expressed its appreciation to the subcommission for its work. In addition to elaborating on substantive points of the submission, the delegation stated its concurrence with the views and general conclusions of the subcommission arising from the examination of the submission. It also noted some aspects on which agreement had not been reached between the delegation and the subcommission.

40. The Commission then continued its deliberations in private. Taking into account the presentations made by the delegation and by the subcommission, and in order to allow sufficient time for its members to consider the submission and the draft recommendations, the Commission decided, in accordance with rule 53, paragraph 1, of its rules of procedure, to defer further consideration of the draft recommendations to its forty-third session.

## Item 11
## Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands concerning the Ontong Java Plateau[11]

**Report of the subcommission**

41. The Chair of the subcommission, Mr. Roest, reported on the progress of its work at the forty-first session, noting that the subcommission had met from 11 to 15 July, 25 to 29 July and 8 to 12 August 2016. In that regard, he recalled that the Commission had decided to allocate to the subcommission the week of 8 to

[11] Submission made on 5 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_fmpgsb_32_2009.htm.

12 August, which had been initially allotted for the consideration of the submission made by Nigeria, in order to optimize the efficiency of the forty-first session (see para. 56 below). Mr. Heinesen had acted as an expert to the members of the subcommission in the finalization of the recommendations (see para. 62 below).

42. During the session, the subcommission had continued the main scientific and technical examination of the joint submission[1] and had held three meetings with the joint delegation.

43. Pursuant to paragraph 10.3 of annex III to the rules of procedure, the subcommission had presented to the joint delegation its views and general conclusions arising from the examination of the joint submission. The joint delegation had delivered its response in accordance with paragraph 10.4 of annex III to the rules of procedure. The subcommission had then finalized its recommendations and had approved them by consensus on 12 August 2016. The draft recommendations were transmitted to the Chair of the Commission on the same day.

**Consideration of draft recommendations**

44. On 15 August 2016, the subcommission introduced to the Commission the draft recommendations with regard to the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands concerning the Ontong Java Plateau on 5 May 2009, through a presentation delivered by the Chair of the subcommission, Mr. Roest, together with other members of the subcommission.

45. On 18 August 2016, the joint delegation of the Federated States of Micronesia, Papua New Guinea and Solomon Islands participated in the proceedings of the Commission and made a presentation pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure. The presentation was made by the Permanent Representative of Papua New Guinea to the United Nations and head of the joint delegation, Max Hufanen Rai; the Permanent Representative of Solomon Islands to the United Nations, Collin Beck; the Assistant Attorney General and Legal Adviser, Department of Justice of the Federated States of Micronesia, Leonito Bacalando, Jr.; and the technical adviser to the Papua New Guinea National Maritime Boundaries Delimitation Project, Alain Murphy. The joint delegation also included a number of scientific, technical and legal advisers.

46. In its presentation, the joint delegation expressed its appreciation to the members of the subcommission for their work. In addition to elaborating on substantive points of the submission, the joint delegation noted that, although in general it concurred with the views and general conclusions of the subcommission, there was a difference of views on some of the particulars of the outer limits of the continental shelf as recommended, notably in relation to the applicable constraints. As part of its presentation, the joint delegation submitted to the Commission for its consideration a list of alternative fixed points defining the outer limits of the continental shelf in the northern region of the joint submission, based on the understanding of the joint delegation of the applicable constraints and article 76 of the Convention.

47. The Commission then continued its deliberations in private. Taking into account the presentations made by the joint delegation and by the subcommission,

and in order to allow sufficient time for its members to consider the submission and the draft recommendations, the Commission decided, in accordance with rule 53, paragraph 1, of its rules of procedure, to defer further consideration of the draft recommendations to its forty-third session.

## Item 12
## Consideration of the joint submission made by France and South Africa, in respect of the area of the Crozet Archipelago and the Prince Edward Islands[12]

### Report of the subcommission

48. The Chair of the subcommission, Mr. Njuguna, reported on the progress of its work during the forty-first session, noting that the subcommission had met from 1 to 5 August and from 22 to 26 August 2016. During that period, it had continued the main scientific and technical examination of the submission[5] and had examined the data and information submitted by the joint delegation in response to the request made by the subcommission during the fortieth session.

49. Three meetings had been held with the joint delegation, during which the joint delegation had presented the new data and information and the subcommission conveyed its views on a number of substantive issues, focusing on all five sections of the margin included in the joint submission. Subsequently, the subcommission had prepared a document summarizing its views on a number of outstanding issues and other matters raised in the submitted material and in the meetings between the subcommission and the joint delegation.

50. The subcommission had decided that its members would continue to work on the joint submission during the intersessional period and that it would resume its consideration of the submission during the forty-second session, with a view to presenting to the joint delegation its views and general conclusions arising from the examination of the joint submission, pursuant to paragraph 10.3 of section IV of annex III to the rules of procedure, during the forty-third session. The joint delegation would have the opportunity to respond in accordance with paragraph 10.4 of section IV of annex III to the rules of procedure at that same session. The proposed plan of work was conveyed to the joint delegation in the above-mentioned document, which, accordingly, also contained a request for relevant final tables.

51. The Commission subsequently decided that the meetings of the subcommission during the forty-second session would be held from 7 to 18 November 2016.

[12] Submission made on 6 May 2009, see www.un.org/Depts/los/clcs_new/submissions_files/submission_frzaf_34_2009.htm

## Item 13
## Consideration of the submission made by Kenya[13]

### Report of the subcommission

52. The Chair of the subcommission, Mr. Park, reported on the progress of its work during the intersessional period and at the forty-first session, noting that the subcommission had met from 25 July to 5 August 2016. During that period, it had continued the main scientific and technical examination of the submission.[5]

53. The subcommission had held two meetings with the delegation, which had been headed by the Attorney General, Githu Muigai, during which the subcommission and the delegation had exchanged presentations. In particular, the subcommission had given presentations to the delegation on its views with respect to the responses from the delegation to requests for clarifications and with respect to the application of the Statement of Understanding concerning a specific method to be used in establishing the outer edge of the continental margin, adopted on 29 August 1980 by the third United Nations Conference on the Law of the Sea.

54. The subcommission had decided that, during the intersessional period, its members would continue to consider the main part of the submission, namely, the part that had not been classified by the delegation as confidential under paragraph 2 of annex II to the rules of procedure, and that it would resume its consideration of the submission during the forty-second session.

55. The subcommission had planned to provide the delegation with a presentation of its views and general conclusions arising from the examination of the submission, pursuant to paragraph 10.3 of annex III to the rules of procedure, at the forty-second session. The delegation would then have the opportunity to respond to the presentation by the subcommission and to make a presentation pursuant to paragraph 10.4 of annex III to the rules of procedure.

56. The Commission subsequently decided that the meetings of the subcommission during the forty-second session would be held from 17 October to 3 November 2016.

## Item 14
## Consideration of the submission made by Mauritius, in respect of the region of Rodrigues Island[14]

### Report of the subcommission

57. The Chair of the subcommission, Mr. Madon, reported on the progress of work at the forty-first session, noting that the subcommission had met from 11 to 15 July 2016. During that period it had proceeded with its agreed plan of work for the session and had completed its work on the draft recommendations without

[13] Submission made on 6 May 2009, see www.un.org/Depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

[14] Submission made on 6 May 2009, www.un.org/Depts/los/clcs_new/submissions_files/submission_mus_36_2009.htm.

approving them. The subcommission had been informed of a letter dated 25 May 2016 from Mauritius, addressed to the Chair of the Commission. The subcommission had then prepared and conveyed its views in respect of the letter for consideration by the Commission.

58. The Commission considered the request contained in the letter and the views of the subcommission but, owing to the heavy workload, was not in a position to complete its deliberations. It will revert to the matter during the plenary part of the forty-third session.

## Item 15
## Consideration of the submission made by Nigeria[15]

### Report of the subcommission

59. The Chair of the subcommission, Mr. Mahanjane, recalled that, at the conclusion of the fortieth session, the subcommission had transmitted a set of requests for clarifications to the delegation and had also invited the delegation to meet with the subcommission during the forty-first session to make a presentation on its responses, as well as on its amended submission, which were expected to have been provided to the subcommission during the intersessional period.

60. On the first day of the forty-first session, the subcommission received a communication from the delegation indicating that additional surveys had been conducted. Owing to delays in the processing of the survey data, the delegation was not in a position to provide the requested data and information or amend its submission in time for the forty-first session. The delegation confirmed that it did not plan to attend the forty-first session and that it planned to attend the forty-second session to present its responses to the requests for clarification and to submit its amended submission.

61. Under those circumstances, the subcommission was not in a position to consider the submission during the forty-first session and decided that it would continue its consideration of the submission at the forty-second session.

62. The Commission, after considering the matter, and in order to optimize the efficiency of the forty-first session, decided to allocate the week initially allotted for the consideration of that submission to the subcommission established for consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands, in respect of the Ontong Java Plateau (see para. 41 above). In order to optimize the distribution of work among its members following that decision, and in line with its practice, the Commission also decided that Mr. Lyu would assist, as an expert, the subcommission established for consideration of the submission made by Norway, in respect of Bouvetøya and Dronning Maud Land, and that Mr. Heinesen would assist, as an expert, the subcommission established for consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands, in respect of the Ontong Java Plateau (see paras. 27 and 41 above).

[15] Submission made on 7 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nga_38_2009.htm.

63. The Commission subsequently decided that the meetings of the subcommission established for consideration of the submission made by Nigeria during the forty-second session would be held from 21 November to 2 December 2016.

## Item 16
## Consideration of the submission made by Seychelles, in respect of the Northern Plateau Region[16]

### Report of the subcommission

64. The Chair of the subcommission, Mr. Roest, reported on the progress of its work at the forty-first session, noting that the subcommission had met from 22 to 26 August 2016. During that period, it had continued the main scientific and technical examination of the submission.[17]

65. The subcommission had held two meetings with the delegation. During the meetings, the delegation had elaborated on the data and information that it had provided at the end of the fortieth session in response to the request for clarifications by the subcommission. The delegation had also informed the subcommission that it had acquired additional multi-beam data that it was still processing. The data would be submitted to the subcommission before the end of October 2016. In the light of that development, the subcommission had decided to defer its consideration of the test of appurtenance.

66. The subcommission had decided that it would resume its consideration of the submission during the forty-second session, including meetings with the delegation.

67. The Commission subsequently decided that the meetings of the subcommission during the forty-second session would be held from 7 to 18 November 2016.

## Item 17
## Consideration of other submissions made pursuant to article 76, paragraph 8, of the Convention

### Presentation of the submission made by Côte d'Ivoire[18]

68. In a note verbale dated 8 April 2016, the Government of Côte d'Ivoire requested the Commission to provide it with the opportunity to make a presentation of the submission that it had made on 8 May 2009 and presented at the twenty-fourth session of the Commission on 28 August 2009 (see CLCS/64, paras. 115-119), in view of the amended submission that it had made to the Commission on 24 March 2016 and that replaced the original submission in its entirety.

[16] Submission made on 7 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_syc_39_2009.htm.

[17] Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_civ_42_2009.htm.

69. The presentation of the amended submission of Côte d'Ivoire to the Commission was made on 22 July 2016 by the head of the delegation and Permanent Representative of Côte d'Ivoire to the United Nations, Claude Bouah-Kamon, and the Director General of the Société nationale d'opérations pétrolières de Côte d'Ivoire and Chair of the national commission on maritime boundaries and the continental shelf, Ibrahima Diaby. The delegation also included a number of scientific, technical and legal advisers.

70. In addition to elaborating on the substantive points of the submission, Mr. Diaby noted that the amended submission made by Côte d'Ivoire on 24 March 2016 replaced the original submission in its entirety. He informed the Commission that none of its members had assisted Côte d'Ivoire by providing scientific and technical advice.

71. Mr. Diaby elaborated in detail on issues of maritime delimitation in the area covered by the submission. In particular, he noted that his country and some of the other coastal member States of the Economic Community of West African States, namely, Benin, Ghana, Nigeria and Togo, had agreed in February 2009 not to object to the submissions of the neighbouring States regarding their respective continental shelves beyond 200 nautical miles. Recalling the notes verbales from Ghana, dated 27 July 2009 and 13 July 2016, he noted that, while part of the area of the amended submission was subject to a maritime dispute with Ghana and that legal proceedings were pending before the International Tribunal for the Law of the Sea to settle the dispute, Ghana had expressly consented to the consideration of the submission by the Commission.

72. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking note of the aforementioned communications and the views expressed in the presentation by the delegation in connection with the communications, the Commission reiterated the decision that it had taken at the twenty-fourth session (see CLCS/64, para. 119) that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure. With regard to the communications from Côte d'Ivoire, dated 8 April and 11 May 2016, concerning the issue of confidentiality of the data and information contained in the amended submission in connection with the ongoing proceedings before the International Tribunal for the Law of the Sea in the dispute concerning delimitation of the maritime boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean, the Commission decided that it would consider those matters at the time when the submission was next in line for consideration as queued in the order in which it had been received (see paras. 106 and 107 below).

## Presentation of the submission made by Denmark, in respect of the southern continental shelf of Greenland [14]

73. The presentation of the partial submission of Denmark in respect of the southern continental shelf of Greenland was made on 17 August 2016 by the head of the delegation and Deputy Minister, Ministry of Industry, Labour and Trade of the Government of Greenland, Jørn Skov Nielsen; representatives of the Geological Survey of Denmark and Greenland, Christian Marcussen, and Finn Mørk; and the legal counsel to the Government of Greenland, Bjørn Kunoy. The delegation also included a number of scientific, technical and legal advisers.

74. In addition to elaborating on substantive points of the submission, Mr. Nielsen informed the Commission that the submission was one of five partial submissions made by Denmark to the Commission. He also informed the Commission that one of its current members, Mr. Heinesen, had assisted Denmark by providing scientific and technical advice.

75. Mr. Nielsen stated that the area of continental shelf covered by the partial submission was not subject to any disputes. Mr. Kunoy added that, "in the Irminger Sea, parts of the eastern part of the southern continental shelf of Greenland [were] subject to an entitlement of Iceland, which arises from the recommendations, which the Commission adopted on 10 March 2016" [15] and that, in 2013, an understanding had been reached with Iceland "in relation to the then overlapping claimed entitlement of Iceland with the eastern part of the southern continental shelf of Greenland". He noted that the understanding included a delimitation procedure to apportion the overlapping entitlements over the continental shelf beyond 200 nautical miles. Mr. Kunoy also stated that, "in the Labrador Sea, the southern continental shelf of Greenland [was] subject to an overlapping claimed entitlement of Canada, which submitted its proposed outer limits of the continental shelf to the Commission in 2013" and that, in 2012, Canada and Denmark had reached an understanding on "how to resolve issues that might arise from overlapping claimed entitlements to the Labrador Sea". In that regard, he recalled the communications from Canada, dated 15 June 2012, and from Iceland, dated 17 January 2013, in which the two States did not object to the consideration of the submission by the Commission.

76. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the partial submission, the Commission took note of the notes verbales from Canada and Iceland referred to above, and the views expressed in the presentation by the delegation in connection with the communications. The Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the partial submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure at a future session. The Commission also decided to revert to the consideration of the partial submission, as well as any

[14] Submission made on 14 June 2012, see www.un.org/depts/los/clcs_new/submissions_files/submission_dnk_61_2012.htm.

[15] See the summary of the recommendations of the Commission on the Limits of the Continental Shelf with regard to the submission made by Iceland in the Ægir Basin Area and in the Western And Southern Parts Of Reykjanes Ridge on 29 April 2009. See www.un.org/Depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm.

notes verbales that may be received in the future, at the plenary level when the partial submission was next in line for consideration as queued in the order in which it was received.

## Presentation of the submission made by Denmark, in respect of the north-eastern continental shelf of Greenland[20]

77. The presentation of the partial submission of Denmark in respect of the north-eastern continental shelf of Greenland was made on 17 August 2016 by the head of the delegation and Deputy Minister, Ministry of Industry, Labour and Trade of the Government of Greenland, Jørn Skov Nielsen; representatives of the Geological Survey of Denmark and Greenland, Christian Marcussen and Finn Mørk; and the legal counsel to the Government of Greenland, Bjørn Kunoy. The delegation also included a number of scientific, technical and legal advisers.

78. In addition to elaborating on substantive points of the submission, Mr. Nielsen informed the Commission that the submission was one of five partial submissions made by Denmark to the Commission. He also informed the Commission that two of its current members, Mr. Heinesen and Mr. Roest, had assisted Denmark by providing scientific and technical advice.

79. Mr. Nielsen stated that the area of continental shelf covered by the partial submission was not subject to any dispute. In that regard, he noted that the north-eastern continental shelf of Greenland "[was] subject to overlapping entitlement stemming from Norway, the recommendations of which the Commission adopted in 2009".[21] In that regard, Mr. Kunoy added that, in a communication dated 21 January 2014, Norway had not objected to the consideration of the partial submission by the Commission.

80. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the partial submission, the Commission took note of the communication from Norway referred to above, and the views expressed in the presentation by the delegation in connection with the communication. The Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the partial submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure at a future session. The Commission also decided to revert to the consideration of the partial submission, and any notes verbales that may be received in the future, at the plenary level when the partial submission was next in line for consideration as queued in the order in which it was received.

[20] Submission made on 26 November 2013; see www.un.org/depts/los/clcs_new/submissions_files/submission_dnk_68_2013.htm

[21] Summary of the recommendations of the Commission on the Limits of the Continental Shelf with regard to the submission made by Norway in the North-East Atlantic and the Arctic on 27 November 2006. See www.un.org/Depts/los/clcs_new/submissions_files/submission_nor.htm

## Presentation of the submission made by France, in respect of Saint Pierre and Miquelon[20]

81. The presentation of the partial submission of France in respect of Saint Pierre and Miquelon was made on 16 August 2016 by the head of the delegation of France and special advisor on the Law of the Sea, General Secretariat of the Sea, Elie Jarmache, and marine cartography engineer and the head of the French continental shelf extension project, the French Research Institute for Exploitation of the Sea, Benoit Loubrieu.

82. In addition to elaborating on substantive points of the submission, Mr. Jarmache informed the Commission that one of its members, Mr. Roest, had assisted France by providing scientific and technical advice.

83. Mr. Jarmache also stated that the area of continental shelf covered by the submission was subject to a dispute. In that regard, he recalled that the maritime boundary between France and Canada in the area had been settled by an arbitral award dated 10 June 1992, noting that, however, the arbitral tribunal declined to delimit the continental shelf beyond 200 nautical miles owing to a lack of competence. He also recalled the note verbale dated 2 September 2014, by which Canada had objected to the consideration of the submission by the Commission, and the note verbale dated 17 December 2014, which contained the response by France.

84. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the notes verbales from Canada and France referred to above and the views expressed in the presentation by the delegation in connection with the communication. It observed, in particular, that the communication from Canada invoked, among other things, paragraph 5 (a) of annex I to the rules of procedure, relating to a dispute in the area of the submission. The Commission also took note of the views expressed in the presentation by France in connection with that note verbale. Taking into account the communications and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the communications until such time as the submission was next in line for consideration as queued in the order in which it was received. The Commission took the decision in order to take into consideration any further developments that might occur throughout the intervening period during which States might wish to take advantage of the avenues available to them, including provisional arrangements of a practical nature, as set out in article 83, paragraph 3, of the Convention and implemented through relevant provisions of annex I to the rules of procedure.

## Presentation of the submission made by Somalia[21]

85. The presentation of the submission of Somalia was made on 22 July 2016 by the head of the delegation and Ambassador of Somalia to the United States of

[20] Submission made on 16 April 2014, see www.un.org/depts/los/clcs_new/submissions_files/submission_fra_72_2014.htm.

[21] Submission made on 21 July 2014, see www.un.org/depts/los/clcs_new/submissions_files/submission_som_74_2014.htm.

America, Ahmed Isse Awad, the senior legal adviser to the President of Somalia, Mona Al-Sharmani, and the technical adviser, Scott Sweet.

86. In addition to elaborating on substantive points of the submission as amended, Ms. Al-Sharmani elaborated on unresolved issues in relation to the bilateral delimitation of the continental shelf of Somalia with its neighbouring States, Kenya and Yemen, with reference to rule 46 and annex I to the rules of procedure. She recalled that the case *Maritime Delimitation in the Indian Ocean (Somalia v. Kenya)* was pending before the International Court of Justice. In addition, she noted the communication, dated 30 June 2015, in which the Government of Kenya had consented to the consideration of the submission by the Commission. She expressed the view that the Commission could make recommendations concerning the outer limits of the continental shelf off the coasts of Somalia and Kenya and that consideration of the submission would not prejudice matters relating to the delimitation of boundaries between Somalia and any other State. With respect to the dispute between Somalia and Yemen, she indicated that Somalia looked forward to engaging with Yemen to reach an arrangement acceptable to both countries that would allow the Commission to consider and make recommendations on their respective submissions.

87. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the communications from the United Republic of Tanzania, dated 17 October 2014, from Yemen, dated 10 December 2014, and from Kenya, dated 4 May and 30 June 2015, and the views expressed in the presentation by the delegation in connection with the communications. The Commission decided to defer further consideration of the submission and the communications until such time as the submission was next in line for consideration as queued in the order in which it had been received. At that time, the Commission will take into account any further developments that might occur throughout the intervening period, during which the States concerned might wish to take advantage of the avenues available to them, including the provisional arrangements of a practical nature as set out in article 83, paragraph 3, of the Convention and implemented through relevant provisions of annex I to the rules of procedure.

## Presentation of the submission made by Denmark, in respect of the northern continental shelf of Greenland[24]

88. The presentation of the partial submission to the Commission of Denmark in respect of the northern continental shelf of Greenland was made on 18 August 2016 by the head of the delegation and Deputy Minister, Ministry of Industry, Labour and Trade of the Government of Greenland, Jørn Skov Nielsen; representatives of the Geological Survey of Denmark and Greenland, Christian Marcussen and Finn Mork; and the legal counsel to the Government of Greenland, Bjørn Kunoy. The delegation also included a number of scientific, technical and legal advisers.

[24] Submission made on 15 December 2014, see www.un.org/depts/los/clcs_new/submissions_files/submission_dnk_76_2014.htm

89. The presenters elaborated on the substantive points of the submission. Mr. Nielsen also informed the Commission that one of its current members, Mr. Heinesen, had assisted Denmark by providing scientific and technical advice.

90. Mr. Nielsen stated that the area of continental shelf covered by the submission was not subject to any dispute. With respect to the notes verbales from Norway, dated 17 December 2014, from Canada, dated 29 December 2014, from the Russian Federation, dated 21 July 2015, and from the United States, dated 30 October 2015, Mr. Nielsen stated that "[t]he Northern Continental Shelf of Greenland [was] subject to a small area of overlapping entitlement stemming from Norway, and with a claimed entitlement of the Russian Federation". He also stated that "[t]here [was] potential overlap of claimed entitlements stemming from Canada and the United States of America, respectively". He further stated that, "[h]owever, due to agreements with the aforementioned States, there [was] no dispute within the meaning of Rule 46 and Annex I to the Rules of Procedure of the Commission".

91. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the partial submission, the Commission took note of the communications from Norway, Canada, the Russian Federation and the United States referred to above and the views expressed in the presentation by the delegation in connection with those communications. The Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the partial submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of its rules of procedure at a future session. The Commission also decided to revert to the consideration of the partial submission, and any notes verbales that may be received in the future, at the plenary level when the partial submission was next in line for consideration as queued in the order in which it was received.

## Item 18
## Report of the Chair of the Commission on the twenty-sixth Meeting of States Parties to the United Nations Convention on the Law of the Sea

92. The Chair of the Commission provided an overview of the proceedings of the twenty-sixth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in June 2016, which were deemed of relevance to the Commission (see SPLOS/303, sect. VI). He outlined the views of delegations regarding the information contained in his letter to the President of the Meeting (SPLOS/298) and relevant deliberations of the Meeting. In particular, he informed the members of the Commission about the renewal of the request contained in decision SPLOS/229 to the effect that the Commission consider, in coordination with the Secretariat, as from 16 June 2012, within the existing resources made available to the Secretariat, that the Commission, and its subcommissions meeting simultaneously as far as possible, meet in New York for up to 26 weeks but not less than an intended minimum of 21 weeks a year for a period of five years, distributed in such a way that the Commission determines to be the most effective, and that no two sessions be sequential. In that regard, the Meeting also requested the Commission to prepare

a plan of sessions to be held in 2017 on the basis of the above request, for the approval by the General Assembly at its seventy-first session.

93. The Commission took note of the information reported by the Chair.

94. The Commission expressed its appreciation to the States parties for their attention to the work of the Commission.

## Item 19
## Report of the Chair of the Committee on Confidentiality

95. No meeting of the Committee was held during the forty-first session, given that no issues within the purview of that Committee had been reported to it.

## Item 20
## Report of the Chair of the Editorial Committee

96. The Chair of the Editorial Committee, Mr. Haworth, reported that no meeting of the Committee had been required during the forty-first session. He also informed the Commission that, as Chair, he had continued to make editorial improvements in the template for draft recommendations on the basis of those recently adopted. The Chair encouraged members of the Commission to continue to review the template in the light of further recommendations that were being prepared and to forward any additional comments or suggestions for improvements to him. Those received before the end of the forty-first session were incorporated in the most recent draft made available to members.

## Item 21
## Report of the Chair of the Scientific and Technical Advice Committee

97. The Chair of the Scientific and Technical Advice Committee, Mr. Urabe, reported that no meeting of the Committee had been held during the forty-first session owing to time constraints and that no issues that fell within the purview of the Committee had arisen.

## Item 22
## Report of the Chair of the Training Committee and other training issues

98. The Chair of the Training Committee, Mr. Carrera, reported that no meeting of the Committee had been required during the forty-first session and that no training activities with the participation of the members of the Commission had taken place.

## Item 23
## Other matters

### Commemorative meeting

99. On 15 August 2016, the Commission paid tribute to the memory of a former member of the Commission, Karl Hinz (Germany), who had passed away on 8 August 2016. Mr. Hinz had been a member of the Commission from 1997 to 2002 and had contributed substantially to the work of the Commission and the development of its main documents, such as the scientific and technical guidelines and the rules of procedure. As a world-renowned scientist, following his term of office in the Commission, he had given advice to a number of States in the delineation of the outer limits of their continental shelves and the preparation of their submissions. The commemorative meeting was attended by a representative of the Permanent Mission of Germany to the United Nations. Statements paying tribute to the life and achievements of Mr. Hinz were made by the Chair and several members of the Commission, as well as by the Director of the Division and the Secretary of the Commission.

### Establishment of subcommissions

100. In the light of the progress in its work, the Commission decided to proceed with the establishment of three additional subcommissions.

101. In accordance with its practice, the Commission reviewed the submissions next in line as queued in the order in which they had been received, namely, the submissions made by Myanmar; Yemen, in respect of south-east of Socotra Island; the United Kingdom of Great Britain and Northern Ireland, in respect of the Hatton-Rockall area; Ireland, in respect of the Hatton-Rockall; Fiji; Malaysia and Viet Nam, jointly, in respect of the southern part of the South China Sea; and Viet Nam, in respect of the North Area.

102. Noting the absence of communications from States, which would have indicated recent developments allowing for the consideration of those submissions, the Commission decided, in relation to the above-mentioned submissions, to defer further the establishment of subcommissions. The Commission also decided that, given that those submissions remained next in line for consideration as queued in the order in which they had been received, it would review the situation again at a future session at the time of the establishment of a new subcommission (see CLCS/76, paras. 22-24).

103. The Commission then proceeded, on the basis of its rules of procedure, in particular rule 42, paragraphs 1 and 2, and its practice, with the establishment of a subcommission for the consideration of the submission next in line as queued in the order in which it had been received, namely, the partial submission made by France, in respect of La Reunion Island and Saint-Paul and Amsterdam Islands.[25]

104. The Commission appointed Messrs. Arshad, Charles, Glumov, Haworth, Kalngui, Oduro and Ravindra as members of the subcommission. The Commission

[25] Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_fra_40_2009.htm.

decided that the meetings of the subcommission during the forty-second session would be held from 21 November to 2 December 2016. The subcommission met and elected Mr. Haworth as Chair and Messrs. Kalngui and Ravindra as Vice-Chairs. The subcommission invited the delegation to meet in the week of 28 November to 2 December 2016.

105. Moving on to the next submission in line, namely, the submission made by Palau, the Commission recalled the decision taken at its twenty-sixth session to defer further consideration of the submission and the relevant communications until such time as the submission was next in line for consideration as queued in the order in which it was received (see CLCS/68, para. 31). The Commission noted that there had been no developments to indicate that consent existed on the part of all States that had raised objections that would allow for the consideration of the submission and decided to defer further the establishment of a subcommission.

106. The Commission then proceeded with the establishment of subcommissions for the consideration of the next two submissions in line as queued in the order in which they had been received, namely, the submissions made by Côte d'Ivoire and Sri Lanka.

107. The Commission appointed Messrs. Mahanjane, Njuguna, Paterlini, Ravindra, Roest and Urabe as members of the subcommission established for the consideration of the submission made by Côte d'Ivoire (see para. 72 above). In that regard, the Commission agreed that the seventh member of the subcommission would be appointed at a subsequent stage. The Commission decided that the meetings of the subcommission during the forty-second session would be held from 17 October to 4 November 2016. The Commission also considered a request made by Côte d'Ivoire in respect of the confidentiality of the material contained in the submission and decided, notwithstanding paragraph 1 of rule 44 bis and paragraph 5.2 (a) of annex III to its rules of procedure, to proceed on the basis of that request. The subcommission met and elected Mr. Roest as Chair and Messrs. Mahanjane and Ravindra as Vice-Chairs. The subcommission invited the delegation to meet in the week of 31 October to 4 November 2016.

108. With regard to the submission made by Sri Lanka, the Commission took note of the fact that the Government of Sri Lanka had indicated, in response to the invitations from the Chair of the Commission to make a presentation of its submission to the plenary of the Commission, its preference to make such a presentation at a future session.[1] The Commission, in particular, took note of the fact that the Government of Sri Lanka had expressed such a preference on the understanding that it would not affect the position of its submissions in the queue. Taking into account that the communications from other States received in respect to that submission did not object to its consideration, the Commission determined that it was in a position to establish a subcommission for consideration of the submission made by Sri Lanka, without prejudice to the right of Sri Lanka to make a presentation of its submission to the plenary at a future session of the Commission.

109. The Commission appointed Messrs. Arshad, Charles, Glumov, Haworth, Kalngui, Lyu, and Uścinowicz as members of the subcommission established for the

consideration of the submission made by Sri Lanka.[26] The Commission decided that the meetings of the subcommission during the forty-second session would be held from 17 October to 4 November 2016. The subcommission met and elected Mr. Haworth as Chair and Messrs. Arshad and Uscinowicz as Vice-Chairs. The subcommission invited the delegation to meet in the week of 24 to 28 October 2016.

**Issues of a scientific and technical nature**

110. The Commission again considered issues of a scientific and technical nature.[27] In view of the heavy workload of the forty-first session, it was decided that such internal discussions might be held at future sessions, when the workload so permitted.

**Geographic information management software used for submissions**

111. The Commission reemphasized the importance for submitting States to ensure that the parts of their submissions for which geographic information management software was used were compatible with the software version used by the Commission.

**Future sessions of the Commission**

112. The Commission recalled its decision to hold its forty-second session from 17 October to 2 December 2016, with no plenary meetings (see CLCS/90, para. 100 (c)), and adopted the following programme of work for that session:

1. Consideration of the partial revised submission made by the Russian Federation, in respect of the Arctic Ocean.
2. Consideration of the partial revised submission made by Brazil, in respect of the Brazilian Southern Region.
3. Consideration of the joint submission made by France and South Africa, in respect of the area of the Crozet Archipelago and the Prince Edward Islands.
4. Consideration of the submission made by Kenya.
5. Consideration of the submission made by Nigeria.
6. Consideration of the submission made by Seychelles, in respect of the Northern Plateau Region.
7. Consideration of the submission made by France, in respect of La Reunion Island and Saint-Paul and Amsterdam Islands.
8. Consideration of the submission made by Côte d'Ivoire.
9. Consideration of the submission made by Sri Lanka.
10. Other matters.

[26] Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_lka_43_2009.htm.

[27] See CLCS/88, para. 67; CLCS/90, para. 92; and CLCS/93, para. 81.

113. Having considered the request made by the twenty-sixth Meeting of States Parties to the United Nations Convention on the Law of the Sea (see SPLOS/303, para. 85, and para. 92 above), the Commission decided that, in 2017, it would maintain the current pattern of meetings, namely, the Commission and its subcommissions would continue to meet for a total of 21 weeks per year by holding three sessions of 7 weeks each, and that 4 of those 21 weeks would be devoted to plenary meetings (see CLCS/88, para. 13). With regard to the forty-third session, to be held in the period between January and March 2017, the Commission recalled that it had already concluded, at the fortieth session, that more plenary meetings would be required for the consideration and approval of draft recommendations before the term of office of current members of the Commission expired in June 2017. The Commission therefore reiterated its decision that, subject to the approval of the General Assembly, three weeks of plenary meetings would be held during the forty-third session. Thus, the forty-third session would be held from 30 January to 17 March 2017, with plenary parts from 13 to 17 February and from 6 to 17 March 2017. The Commission also decided that, consequently, the forty-fourth session would be held in July-September 2017, with only one week devoted to plenary meetings, and that the forty-fifth session would be held in the period between October and December 2017 with no plenary meetings (see CLCS/93, para. 88). The Commission further decided that the exact dates for its forty-fourth and forty-fifth sessions would be determined by Member States in due course in the context of the Assembly resolution 70/235.

**Commemoration of the twentieth anniversary of the establishment of the Commission**

114. The Commission decided to convene a half-day open meeting during its forty-third session to commemorate the twentieth anniversary of its establishment. States Members of the United Nations and States parties to the Convention, intergovernmental organizations, legal advisers and experts in marine sciences relating to the establishment of the outer limits of the continental shelf would be invited. The date of the open meeting was tentatively scheduled for the morning of 10 March 2017. The Commission established an open-ended working group, with Messrs. Awosika, Carrera, Glumov, Lyu, Oduro, Park and Roest as core members, with a view to facilitating the organization of the open meeting and the developments of its programme.

**Trust funds**

115. The Commission was informed by the Secretariat about the status of the voluntary trust fund for the purpose of defraying the cost of the participation in its meetings of the members of the Commission from developing States. As at 31 July 2016, the fund had an approximate balance of $204,000. Given that the funding requirements for the forty-second session, beginning in October 2016, are estimated at $190,000, the fund is nearing depletion. In such a situation, the United Nations rules require that a certain mandatory reserve must be kept in the fund to protect the Organization against unforeseen cost overruns.

116. The attention of the Commission was drawn to the fact that, under the current circumstance, notwithstanding the current balance, there might not be sufficient

funds to cover the entire forty-second session. Even in the event that additional contributions were to be received in time for the forty-second session, reimbursement for travel medical insurance may still not be possible.

117. In that regard, the Chair and the members of the Commission raised serious concerns, as at the time of the forty-first session, 9 of 20 members of the Commission had benefited from the financial assistance from the voluntary trust fund. Additional members are also eligible for financial assistance. The cost of participation of a member from a developing country in a seven-week session might be prohibitive for the nominating State concerned. Consequently, if members of the Commission from developing States who benefit from financial assistance cannot participate in the work of the Commission owing to the lack of support from the fund, the Commission might not have the quorum necessary to complete its work and adopt recommendations during its session in the first quarter of 2017, which is the last one of the current term of office.

118. It was also pointed out that reliance on the voluntary trust fund might not represent a sustainable solution to defray the expenses of the members while in performance of Commission duties.[28]

**Acknowledgements**

119. The Commission noted with appreciation and gratitude the high standard of secretariat services rendered to it by the Division.

120. The Commission expressed its appreciation to other members of the Secretariat for the assistance that they had provided to the Commission and, in particular, noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers.

[28] Following the session, the Chair of the Commission addressed a letter dated 6 September 2016 to the President of the twenty-sixth Meeting of States Parties to the Convention highlighting those concerns and inviting State parties to explore other ways and means to ensure, in a more permanent way, that the Commission would be in a position to fulfil its mandate under the Convention.